



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TH.  
4-01  
#6/Elect

In re Application Of:	Kuiken	)	Examiner:	Snow, B.
Serial No.:	09/558,570	)	Group:	3738
Filed:	April 26, 2000	)		
For:	High Profile Multiaxial Prosthetic Foot	)		

RECEIVED  
AUG 31 2001  
TC 3700 MAIL ROOM

TRAVERSE OF RESTRICTION REQUIREMENT WITH PROVISIONAL ELECTION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This correspondence is responsive to the Office Action dated June 22, 2001. Claims 1 – 22 are pending in the application. Claims 1 – 22 are subject to a restriction/election requirement.

Under 37 C.F.R. § 1.143, Applicant makes a provisional election to species 1 (figure 1) and traverses the restriction requirement of the Office Action. Claims 1, 2, 3, 18 and 19 read on figure 1.

Claims 1, 10 and 18 read on each of the views presented in figures 1 through 15, and thus each are generic claims. These generic claims include the limitations present in each of the species claims.

Each of the pending claims is directed to a high profile multiaxial prosthetic foot. The species recited in the Office Action are related inventions. Also, the species recited are usable together and are species of a common generic invention. Even when species are patentably distinct, restriction is proper if but only if one or more of the following reasons are present: (1) the species require separate classification, (2) the species enjoy a separate status in the art, and

(3) the species are in a different search fields. The species do not require a separate classification, they do not enjoy a separate status in the art, and are within the same field of search. For these reasons, the restriction requirement is improper. Accordingly, Applicant respectfully requests that the Election/Restriction requirement be withdrawn.

Applicant's traverse specifically points out the error in the restriction and therefore should be considered complete under 37 C.F.R. § 1.143 as required by 37 C.F.R. § 1.111(b). If any additional fees are required, the Commissioner is hereby authorized to charge such additional fees to deposit account no.: 07-0181.

Respectfully submitted,

Date: 8-22-01

  
Michael M. Geoffrey, Reg. No. 41,775  
GARDNER, CARTON & DOUGLAS  
321 North Clark, Suite 3400  
Chicago, Illinois 60610-4795  
Tel: 312-644-3000  
Fax: 312-644-3381

Docket No.:  
CH02/22143093.1

**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$) 55**Complete if Known**

Application Number	09/558,570
Filing Date	26 April 2000
First Named Inventor	Kuiken
Examiner Name	Snow, B.
Group / Art Unit	3738
Attorney Docket No.	P1308USA

**METHOD OF PAYMENT (check one)**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

07-0181

Deposit  
Account  
Name

- ☒
- Charge Any Additional Fee Required
- 
- Under 37 CFR 1.16 and 1.17
- 
- ☒
- Applicant claims small entity status.
- 
- See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☒ Check ☐ Credit card ☐ Money  
Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

**SUBTOTAL (1)**

(\$ 0)

**2. EXTRA CLAIM FEES**

Total Claims	-20**	=	Extra Claims	X	Fee from below	=	Fee Paid
Independent Claims	-3**	=	0	X	0	=	0
Multiple Dependent		=	0	X	0	=	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)**

(\$ 0)

\*\*or number previously paid, if greater; For Reissues, see above

**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	55.00
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$ 55)

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Michael M. Geoffrey	Registration No. Attorney/Agent)	41,775	Telephone	312-644-3000
Signature				Date	8-27-01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.




**CERTIFICATE OF MAILING  
UNDER 37 CFR 1.8**

**Date of Deposit: August 22, 2001**

I hereby certify that a Fee Transmittal form; a Check for \$55.00; a Petition for Extension of Time; an amendment Traverse of Restriction Requirement (2 pages); and a return postcard are being deposited with the United States Postal Service with sufficient postage as First Class Mail service under 37 CFR 1.8 on the date indicated above, addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231

Diana W. Strong  
(Typed or Printed Name of  
Person Mailing Application)

  
(Signature of Person Mailing  
Application)

Docket No.: P1308USA

CH02/22143139.1